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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. 16-CR-038 SI
)	
Plaintiff,)	UNITED STATES' SENTENCING
)	MEMORANDUM
v.)	
)	Sentencing Date: August 24, 2016
SHAUN VINCENT KELLEY,)	
)	
Defendant.)	

I. Introduction

The United States respectfully asks the Court to accept the parties' plea agreement and sentence the defendant, Shaun Vincent Kelley, to ten years of custody and five years of supervised release. This sentence is fair and appropriate for the reasons set forth below.

II. Background

The defendant is a United States citizen who traveled to Thailand in 2013. PSR ¶ 41. While staying in Chiang Mai, Thailand, the defendant sexually abused teenagers, including a 14-year-old boy who is identified in the indictment as Minor 1. *Id.* ¶¶ 26-38. He paid the boys the equivalent of \$9-\$30 per encounter. *Id.* ¶ 43. He sometimes filmed the abuse. *Id.* ¶¶ 54-58.

The indictment returned by the grand jury on February 2, 2016 charged the defendant with child

sex tourism, in violation of 18 U.S.C. § 2423(c). After arraignment, the defendant promptly pleaded guilty pursuant to a binding plea agreement under Federal Rule of Criminal Procedure 11(c)(1)(C). He now appears before this Court for sentencing.

III. Sentencing Recommendation

The government recommends 120 months of imprisonment and 60 months of supervised release. The defendant and the Probation Office concur in this recommendation.

A. Imprisonment

1. Offense Level

The parties and the Probation Office agree that the adjusted offense level is 33. PSR ¶ 76.

2. Criminal History Category

The government agrees with the Probation Office that the defendant is in criminal history category I. PSR ¶ 83.

3. Recommended Term of Imprisonment

An offense level of 33 in criminal history category I yields an advisory sentencing range of 135 to 168 months of imprisonment. The government recommends 120 months, which is 15 months below the low end of the advisory range but still a significant term that reflects the seriousness of this case.

The recommended term of imprisonment serves the ends of sentencing enumerated in 18 U.S.C. § 3553(a), including punishment, deterrence, and protection of the public. Both American and Thai children will be safer because of the defendant's incarceration. And his felony conviction and sentence will send a message to other citizens who might think they can sexually abuse children abroad without fear of facing justice here.

At the same time, the defendant deserves credit for quickly accepting responsibility and pleading guilty. He agreed to recommend a sentence that will keep him in prison or on supervision until his early seventies. He can get the therapy and rehabilitative services that he plainly needs during that time.

In view of all of these factors, 120 months is a sufficient but not greater than necessary term of imprisonment.

B. Supervised Release

The parties and Probation Office agree that the Court should impose five years of supervised

1 release. The suspicionless search condition agreed to by the parties in the plea agreement should be part
2 of the defendant's supervision. The government supports all of the other conditions of supervision
3 proposed by the Probation Office.

4 **C. Special Assessment**

5 Defendant must pay a \$5,100 special assessment.

6 **IV. Conclusion**

7 The government respectfully recommends that the Court sentence the defendant to ten years of
8 imprisonment and five years of supervised release.

9 DATED: August 17, 2016

BRIAN J. STRETCH
United States Attorney

11 /s/
PHILIP KOPCZYNSKI
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